

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SCHERING AG and	:	Civil Action No. 05-02308 (PGS)(RJH)
BERLEX, INC.	:	
	:	
Plaintiffs,	:	Hon. Peter G. Sheridan, U.S.D.J.
	:	Hon. Ronald J. Hedges, U.S.M.J.
	:	
v.	:	CONFIDENTIAL – SUBJECT TO
	:	PROTECTIVE ORDER
BARR LABORATORIES, INC.	:	
	:	
Defendant.	:	
	:	
	:	
BARR LABORATORIES, INC.,	:	
	:	
Counterclaim Plaintiff,	:	
	:	
v.	:	
	:	
SCHERING AG AND BERLEX, INC.,	:	
	:	
Counterclaim Defendants.	:	
	:	

**PLAINTIFFS' SCHERING AG AND BERLEX, INC.
RESPONSES TO DEFENDANT'S THIRD SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33 and the Local Rules of the District of New Jersey, Plaintiffs Schering AG and Berlex, Inc. (collectively “Plaintiffs”) hereby respond to Defendant Barr Laboratories, Inc.’s (“Defendant”) Third Set Of Interrogatories To Plaintiffs Schering AG and Berlex, Inc. (Nos. 1-7), served on January 29, 2007, as follows:

GENERAL OBJECTIONS

Unless otherwise indicated, the following General Objections apply to each of Defendant's Third Set Of Interrogatories.

1. Plaintiffs' answers are based on information gathered to date and Plaintiffs reserve the right to amend or supplement their answers as warranted.

2. Plaintiffs incorporate herein, to the extent applicable, each of the General Objections in Plaintiffs' Responses To Defendant's First Requests For The Production Of Documents And Things To Plaintiffs Schering AG And Berlex, Inc., served on November 10, 2005.

3. Plaintiffs object to these interrogatories to the extent the subject matter of the interrogatories is more properly addressed by other forms of discovery, including expert discovery or fact depositions.

4. Plaintiffs object to Defendant's "Instructions" to the extent they impose obligations beyond the scope of Federal Rule of Civil Procedure 33 and the Local Civil Rules.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1

Provide a claim chart setting forth Plaintiffs' construction of each of the asserted claims of the '531 patent, including a detailed explanation of Plaintiffs' asserted construction for these patent claims, and identify the three persons with the most knowledge concerning Plaintiffs' asserted claim construction.

RESPONSE TO INTERROGATORY NO. 1

Plaintiffs object to this interrogatory as overly broad, unduly burdensome, premature and to the extent it seeks information that is neither relevant to the claims or defenses of any party to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiffs object to the phrase "persons with the most knowledge" as vague and ambiguous. There are currently no claim terms in dispute, and Plaintiffs respond that no claim terms are in need of construction for Plaintiffs' case in chief. If Defendant believes certain claim terms are in dispute, it should identify those terms, along with a detailed explanation of

Defendant's asserted construction. Plaintiffs reserve the right to offer a competing claim construction at that time.

INTERROGATORY NO. 2

Identify the source and custodian of all data, test results, examples, tables, formulations and preparations appearing in the '531 patent and/or the application from which the '531 patent issued.

RESPONSE TO INTERROGATORY NO. 2

Plaintiffs object to this interrogatory as overly broad and unduly burdensome. Further, Plaintiffs object to the terms "source," "data," "test results," "examples," "tables," "formulations" and "preparations" as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections, the source of all data, test results, examples, tables, formulations and preparations appearing in the '531 patent and/or the application from which the '531 patent issued is Schering AG in Berlin, Germany. The custodians of all data, test results, examples, tables, formulations and preparations appearing in the '531 patent and/or the application from which the '531 patent issued are Juergen Hilmann, Wolfgang Heil, April Fulcher, Matthes, Hartmut Blode and Renate Heithecker.

INTERROGATORY NO. 3

Identify the date that the inventions allegedly disclosed in the '531 patent were first conceived and by whom, and for each date, identify with particularity the documentary evidence supporting that date and all persons with any knowledge relating to that date.

RESPONSE TO INTERROGATORY NO. 3

Plaintiffs object to this interrogatory as overly broad, unduly burdensome and to the extent it seeks information that is neither relevant to the claims or defenses of any party to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Further,

Plaintiffs object to the phrase “all persons with any knowledge” as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections, Plaintiffs contend that the date that the inventions disclosed in the ‘531 patent were first conceived and by whom are not relevant because Plaintiffs are entitled to the United States filing date of the ‘531 patent and Plaintiffs do not currently assert an earlier priority date than the United States filing date. Defendant has raised no conception or prior art issues to which this interrogatory would be relevant. Further, Defendant can obtain the discovery it seeks through deposition testimony of the listed inventors of the ‘531 patent.

INTERROGATORY NO. 4

Identify the date that the inventions allegedly disclosed in the ‘531 patent were first reduced to practice and by whom, including any acts of diligence, and for each date, identify with particularity the documentary evidence supporting that date and all persons with any knowledge relating to that date.

RESPONSE TO INTERROGATORY NO. 4

Plaintiffs object to this interrogatory as overly broad, unduly burdensome and to the extent it seeks information that is neither relevant to the claims or defenses of any party to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Further, Plaintiffs object to the phrase “all persons with any knowledge” as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections, Plaintiffs contend that the date that the inventions disclosed in the ‘531 patent were first reduced to practice and by whom are not relevant because Plaintiffs are entitled to the United States filing date of the ‘531 patent and Plaintiffs do not currently assert an earlier priority date than the United States filing date. Defendant has raised no reduction to practice or prior art issues to

which this interrogatory would be relevant. Further, Defendant can obtain the discovery it seeks through deposition testimony of the listed inventors of the '531 patent.

INTERROGATORY NO. 5

Describe the circumstances, including the dates, in which the subject matter claimed in the '531 patent was first offered for sale, first described in a printed publication anywhere in the world, and first publicly used in the United States.

RESPONSE TO INTERROGATORY NO. 5

Plaintiffs object to this interrogatory as overly broad and unduly burdensome. Further, Plaintiffs object to the term "circumstances" and the phrases "offered for sale," "printed publication" and "publicly used" as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections, the subject matter claimed in the '531 patent was first sold in the United States in June 2001. The subject matter claimed in the '531 patent was first described in WO 2001015701A1, which published on March 8, 2001. The subject matter claimed in the '531 patent was first available to the public in the United States in June 2001.

INTERROGATORY NO. 6

Identify with particularity the relevant market for purposes of establishing Yasmin®'s commercial success for the years 1999 - present, including a list of all competing products, dates of entry of said products into the market, and Plaintiffs' market share with respect to said competing products.

RESPONSE TO INTERROGATORY NO. 6

Plaintiffs object to this interrogatory as overly broad and unduly burdensome. Further, Plaintiffs object to the phrases "relevant market," "competing products" and "market

share” as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections, Plaintiffs identify the following competing products and their dates of entry:

<u>Competing Product</u>	<u>Date Of Entry</u>
1. Alesse	04/97
2. Cyclessa	06/01
3. Demulen 1/35 28	01/82
4. Desogen	01/93
5. Estrostep FE	02/97
6. Levlen	01/86
7. Levlite	11/98
8. Levora 28	05/94
9. Lo/Ovral	04/76
10. Loestrin 1.5/30	09/76
11. Loestrin 1/20	09/76
12. Loestrin 24	04/06
13. Loestrin	09/76
14. Mircette	07/98
15. Necon 1/35 28	03/96
16. Nuva Ring	06/02
17. Ortho Evra	03/02
18. Ortho Novum 1/35	01/80
19. Ortho Tri-Cyclen Lo	09/02
20. Ortho Tri-Cyclen	10/92
21. Ortho-Cept	01/93

22. Ortho-Cyclen	10/92
23. Ortho-Novum 7/7/7	02/84
24. Ortho-Novum	01/50
25. Ovcon 35	03/80
26. Ovcon	04/76
27. Seasonale	10/03
28. Seasonique	07/06
29. Tri-Levlin	01/86
30. Tri-Norinyl	04/84
31. Triphasil	11/84
32. Trivora	04/98
33. Yaz	04/06

In addition, Plaintiffs identify the following cycle market share figures from 2001 to the present:

2001: 0.7%, 2002: 3.45%, 2003: 6.45%, 2004: 8.08%, 2005: 9.43% and 2006: 10.55%.

Plaintiffs disclaim that this response applies to anything other than commercial success as it relates to secondary considerations of nonobviousness.

INTERROGATORY NO. 7

With respect to each country in which clinical trials were conducted regarding Yasmin®: Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Norway, Portugal, Russia, Sweden, Switzerland, Thailand, Ukraine, the United Kingdom, and the United States, identify with particularity the beginning and ending dates of the clinical trial, the protocol number of the clinical trial, the title of the clinical trial, the project manager of the clinical trial, and the reason for the clinical trial.

RESPONSE TO INTERROGATORY NO. 7

Plaintiffs object to this interrogatory as overly broad and unduly burdensome. Further, Plaintiffs object to the phrase “reason for the clinical trial” as vague and ambiguous. Subject to and without waiver of the foregoing General and Specific Objections and pursuant to Federal Rule of Civil Procedure 33(d), Plaintiffs identify the following clinical study reports conducted in Austria, Belgium, Finland, France, Germany, Hungary, Luxembourg, the Netherlands, Portugal, Switzerland, the United Kingdom and the United States, for Yasmin®, as defined by Defendant as “a drug product sold in the United States that is a 28-day oral contraceptive regimen that contains 21 tablets containing 3 mg of drospirenone and .03 mg of a 17 α -ethinylestradiol plus 7 placebo tablets”: SBPL 00041369-419; 00104049-87; 00022667-724; 00038470-525; 00014281-328; 00031511-603; 00019936-20044; 00029763-826; 00039356-424; 00027260-318; 00032617-85; 900002-87; and 931698-795.

Dated: March 5, 2007

William O'Shaughnessy
Andrew T. Berry
Nicole Corona
McCARTER & ENGLISH
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Phone: (973) 622-4444
Facsimile: (973) 624-7070
woshaughnessy@mccarter.com
aberry@mccarter.com
ncorona@mccarter.com

Attorneys for Plaintiffs
Schering AG and Berlex, Inc.

Of Counsel:

Peter B. Bensinger Jr.

Adam K. Mortara

Paul J. Skiermont

Brian P. O'Donoghue

BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

Courthouse Place

54 West Hubbard Street

Chicago, Illinois 60610

Phone: (312) 494-4400

Facsimile: (312) 494-4440

Nicholas N. Kallas

Filko Prugo

FITZPATRICK, CELLA, HARPER & SCINTO

30 Rockefeller Plaza

New York, New York 10112

Phone: (212) 218-2100

Facsimile: (212) 218-2200

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